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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,155	05/08/2008	Per-Simon Kildal	10400C-000210/US	4561

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

HO, TAN

ART UNIT	PAPER NUMBER
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2821

MAIL DATE	DELIVERY MODE
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10/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,155	Applicant(s) KILDAL, PER-SIMON	
	Examiner Tan Ho	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 27-29, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 23-26 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/06; 08/09</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the balun or 180 degree hybrid in claims 19-22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 8, 9, 16, 17, 27-29, 31, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Hoozen et al (US Patent 6,094,176).

Van Hoozen et al disclose, in figures 1 and 2, an antenna system comprising a plurality of electric dipoles arranged in pair of opposite located dipoles, wherein each pair of two dipoles has same amplitude and the center of each dipole pair is coinciding, the dipoles are log-periodic and made by conducting strips on a dielectric substrate.

4. Claims 1, 2, 4, 5, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Godard et al (US Patent 6,885,350).

Godard et al disclose, in figures 1 and 2, an antenna system comprising a ground plane 11, a plurality of electric dipoles located above the ground plane and arranged in pair of opposite located dipoles, wherein each pair of two dipoles has same amplitude and the center of each dipole pair is coinciding.

5. Claims 1, 2, 8, 10-14, 16, 19, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloy (US Patent 6,661,378).

Van Hoozen disclose, in figure 8, an antenna system comprising a plurality of electric dipoles arranged in pair of opposite located dipoles, wherein each pair of two dipoles has same amplitude and the center of each dipole pair is coinciding, a balun 30

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coupled to the dipoles in the central region between a pair of dipoles, wherein the at least one dipole comprises two oppositely conductive arms with a feed gap between them, and two feed lines connected to end points of the dipoles.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 6, 7, 15, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Hoozen et al in view of Jorgenson et al (US Patent 5,952,982).

The patent to Van Hoozen, described above, differs from the claimed invention because it does not disclose half of the dipole pairs oriented in one direction and the rest in orthogonal direction and wherein the dipoles are at least one of V-shaped and curved. Jorgenson et al disclose, in figures 3, 4 and 8, an antenna device having a plurality of dipole arranged in horizontal polarization and vertical polarization and the dipoles having a curved shape and the dipoles located above a non flat ground plane or reflector 140. Figure 1 teaches the dipoles coupled to a 180 degree hybrid. Since one of the skilled in the art would have recognized the benefit of radiating dual polarization, it would have been obvious to provided the antenna system of Van Hoozen et al with the dual polarization arrangement as taught by Killen et al. Regarding claims and 15, the shape of the conductive body or ground plane and the electrically distance between the

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dipoles and the ground plane are considered an obvious matter of design choice depending upon the desired characteristic of the antenna device.

Allowable Subject Matter

8. Claims 23-26 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Ho whose telephone number is (571) 272-1822. The examiner can normally be reached on M-F (8:00AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacob Y. Choi can be reached on (571) 272-2367. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Tan Ho/
Primary Examiner, Art Unit 2821